

## 06-05-06

PTO/SBI30 (09-03)
Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE and to a collection of information unless it displays a valid OMB control of the cont

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| Request  | Application Number                     | 09/758,632   |
| For Continued Examination (RCE)                                    | Filing Date                            | January 10, 2001                                   |
| Transmittal  | First Named Inventor                   | Yoshiki NISHITANI                                  |
| Address to:<br>MS Petition   | Art Unit                               | 2837   |
| Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450   | Examiner Name                          | M. Fletcher  |
| •  | Attorney Docket No.                    | 393032022200                                       |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

| 1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unsentered amendments and amendments enclosed with the RCE will be entared in the order in which they were filed unless applicant most request on-entry of such amendments enclosed with the RCE will be entared in the order in which they were filed unless applicant must request non-entry of such amendment(s).  a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.  i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on  ii. Other  b. X Enclosed  i. Amendment/Reply iiii. X Information Disclosure Statement (IDS)  iii. Affidavit(s)/Declaration(s) iv. X Other Petition to Withdraw from Issuance  2. Miscellaneous  a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of  | Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.   |      |
|---|---|------|
| may be considered as a submission even if this box is not checked.  i.  | amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s). |      |
| ii.   | may be considered as a submission even if this box is not checked.  |      |
| b. X Enclosed i. Amendment/Reply iii. X Information Disclosure Statement (IDS) ii. Affidavit(s)/Declaration(s) iv. X Other Petition to Withdraw from Issuance  2. Miscellaneous a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required) b. Other  3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filled. a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952 i. X RCE fee required under 37 CFR 1.17(e) 06/06/2006 CCKRUI 00000012 031952 0758632 ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 DA iii. X Other Petition Fee (to withdraw from issue) b. Check in the amount of \$ enclosed c. Payment by credit card (Form PTC-2038 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED  Name (Print/Type) Meh;an Arjomand Registration No. (Attorney/Agent) 48,231  Signature Determine this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015082US. In an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below. |   |      |
| ii. Affidavit(s)/Declaration(s)  iii. X Other Petition to Withdraw from Issuance  2. Miscellaneous  a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  b. Other  3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952  i. X RCE fee required under 37 CFR 1.17(e) 06/06/2006 CCK/MII 00000012 031952 0758632  ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 DA  iii. X Other Petition Fee (to withdraw from issue)  b. Check in the amount of \$ enclosed  c. Payment by credit card (Form PTO-2036 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED  Name (Print/Type) Mehran Arjomand Registration No. (Altomey/Agent) 48,231  Signature Date June 1, 2006  I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mali, Albill No. EV701015082US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.   |   |      |
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| 2. Miscellaneous  a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of  | iAmendment/Reply iii Information Disclosure Statement (IDS)   |      |
| a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of  | ii. Affidavit(s)/Declaration(s) iv. X Other Petition to Withdraw from Issuance  |      |
| period of   | 2. Miscellaneous  |      |
| b. Other  3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952  i. X RCE fee required under 37 CFR 1.17(e) 06/06/2006 CCR9U1 00000012 031952 05758632  ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 DA  iii. X Other Petition Fee (to withdraw from issue)  b. Check in the amount of \$   | a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a  |      |
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| ii.    Extension of time fee (37 CFR 1.138 and 1.17)    O1 FC:1801 790.00 DA  iii.    X Other Petition Fee (to withdraw from issue)  b.    Check in the amount of \$  | Deposit Account No. 03-1952   |      |
| b. Check in the amount of \$  | i. X RCE fee required under 37 CFR 1.17(e) 06/06/2006 CCHRU1 00000012 031952 0975   | 8632 |
| b. Check in the amount of \$enclosed c. Payment by credit card (Form PTO-2038 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED  Name (Print/Type) Mehran Arjomand Registration No. (Altomey/Agent) 48,231  Signature Date June 1, 2006  I hereby certify that this correspondence is being deposited with the U.S. Postal Şervice as Express Mail, Airbill No. EV701015082US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.   | ii. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 DA  | ٠.   |
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| Name (Print/Type) Mehran Arjomand Registration No. (Altomey/Agent) 48,231  Signature Date June 1, 2006  I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Alrbill No. EV701015082US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.   | c. Payment by credit card (Form PTO-2038 enclosed)  |      |
| Signature  Date June 1, 2006  I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015082US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.   | SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED   |      |
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| in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.   | Signature Date June 1, 2006   |      |
| Dated: June 1, 2006 Signature: (Marco Jimenez)  | in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to   |      |
|   | Dated: June 1, 2006 Signature: (Marco Jimenez)  |      |

Adjustment-date: 07/10/2006 CKHLOK - 06/06/2006 CCHAU1 00000012-031952 01 FC:1801 790.00 CR 09758632 JUN 01 7004

PTC/SB/17 (12-04v2)
Approved for use through 7/31/2008. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE aduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

|                    | Effective on 12/08/                           |  |  | Comp        | lete if Knov                   | ٧n                          |                     |
|--------------------|---|--|--|-------------|--------------------------------|-----------------------------|---------------------|
| Fees pursuant to t |   | ristions Act, 2005 (H.R. 4818).  | Application Number                                 | r 09        | /758,632                       |                             |                     |
| FEE                | TRANS   | MITTAL   | Filing Date  | Ja          | nuary 10, 2                    | 001 -                       |                     |
|                    | For FY 20                                     |  | First Named Invent                                 | or Yo       | shiki NISH                     | TANI                        |                     |
| <u></u>            | FOFF1 20                                      | <u> </u>   | Examiner Name                                      | M.          | T. Fletcher                    |                             |                     |
| Applicant          | t claims small entity stat                    | us. See 37 CFR 1.27  | Art Unit   | 28          | 37                             | <u> </u>                    |                     |
| TOTAL AMOU         | NT OF PAYMENT                                 | (\$) 790.00  | Attorney Docket No.                                | 39          | 303202220                      | 0                           | ليبين               |
| METHOD OF          | PAYMENT (check                                | all that apply)  |  |             |                                |                             |                     |
| Check              | Credit Card                                   | Money Order No   | one Other (plea                                    | se identify | y):                            |                             |                     |
| X Deposit Ac       | Count Deposit Account                         | Number: 03-1952 Deposit Ac   | count Name:  | Morris      | son & Foers                    | ter LLP                     |                     |
| For the            | above-identified depo                         | osit account, the Director i   | is hereby authorized to                            | o: (check   | all that apply                 | )                           |                     |
| x cı               | harge fee(s) indicated                        | l below  | Charge fe  | e(s) indic  | ated below, e                  | xcept for the               | filing fee          |
|                    | narge any additional (<br>e(s) under 37 CFR 1 | ree(s) or underpayment of  | x Credit any                                       | overpayı    | ments                          |                             |                     |
| FEE CALCUL         |   |  |  |             |                                |                             |                     |
|                    |   | XAMINATION FEES  | <del></del>  |             | _                              |                             |                     |
|                    |   | LING FEES SE   |  | •           | TION FEES                      | 3                           |                     |
| Application Ty     | rpe <u>Fee (\$</u>                            | Small Entity ) Fee (\$) Fee (\$)   | Small Entity  Fee (\$) F                           | ee (\$)     | Small Entity<br>Fee (\$)       | Fees Pal                    | d (\$)              |
| Utility            | 300   | 150 500  |  | 200         | 100                            | 0                           |                     |
| Design             | 200   | 100 100  | 50   | 130         | 65                             | 0                           |                     |
| Plant              | 200   | 100 300  | 150  | 160         | 80                             | 0                           |                     |
| Reissue            | 300   | 150 500  | 250  | 600         | 300                            | 0                           |                     |
| Provisional        | 200   | 100 0  | 0  | O.          | . 0                            | 0                           |                     |
| 2. EXCESS CLA      | AIM FEES                                      |  |  |             |                                | Sr                          | nall Entity         |
| Fee Description    |   |  |  |             |                                | Fee (\$)                    | Fee (\$)            |
| i e                | r 20 (including Reiss                         |  |  |             |                                | 50                          | 25                  |
|                    | nt claim over 3 (incl                         | uding Reissues)  |  | 1 .         |                                | 200                         | 100                 |
| Multiple depend    | dent claims                                   |  |  | **          |                                | 360                         | 180                 |
| Total Claims       | Extra Claims                                  | Fee (\$) Fee   | Paid (\$)  |             | iple Depend                    |                             | •                   |
|                    |   | · •  | 0  | Fee         | <u>(5)</u>                     | Fee Paid (\$)               | •                   |
|                    | 5   | For the Son  | Dald (8)   | . ——        |                                | 0                           |                     |
| Indep, Claims      | Extra Claims                                  | Fee (\$) Fee   | Paid (\$)  |             |                                |                             |                     |
| listings und       | ation and drawings enter 37 CFR 1.52(e)),     | xceed 100 sheets of paper<br>the application size fee d<br>35 U.S.C. 41(a)(1)(G) and | r (excluding electroni<br>ue is \$250 (\$125 for s | cally filed | d sequence on<br>ity) for each | r computer<br>additional 50 |                     |
| Total Sheet        | <u>Extra Sheet</u>                            | Number of each   | additional 50 or fraction                          | thereof     | Fee (\$)                       | Fee Pa                      | i <del>d</del> (\$) |
|                    | 100 =   |  | _ (round up to a whole n                           | iumber) x   |                                | - 0                         | <del></del>         |
| 4. OTHER FEE       |   | 00 / 11 11 11  |  |             |                                | Fees Pa                     | aid (\$)            |
| _                  | •   | 0 fee (no small entity dis   |  | · (BAE)     | / 27                           | 700                         |                     |
| Other (e.g.,       | late filing surcharge)                        | : 1801 Request for cor   | ntinued examination                                | (KUE)       | S88 3/                         | 790.                        | .00                 |
| SUBMITTED BY       | , , A   |  | I. Panistation No.                                 |             |                                |                             |                     |
| Signature          | MW.   | )  | Registration No.<br>(Attorney/Agent) 4             | 8,231       | Telephone                      | (213) 892-                  |                     |
| Name (Print/Type)  | Mehran Arioman                                | <b>d</b>   |  |             | Date                           | June 1, 2                   | 2006                |

Express Mail Label No. EV701015062US (also sent via facsimile)

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown between Dated: June 1, 2006 Signature:

Sent By Facsimile (571-273-8300)

and Express Mail

Docket No.: 393032022200

(PATENT)

JUN 0 1 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR

DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE

LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

## PETITION TO WITHDRAW APPLICATION FROM ISSUE PURSUANT TO 37 CFR 1.313 (c)

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants filed a petition to withdraw the present application from issuance on April 13, 2006. In a decision dated May 4, 2006, the petition was dismissed because the application was held to be abandoned for failure to take appropriate action in response to Notice of Allowance mailed on October 19, 2005. A notice of abandonment was mailed on April 6, 2006.

Applicants respectfully submit that they responded in a timely manner to the Notice of Allowance and that, in fact, the application is not abandoned. To that end, Applicants are filing

DENT date: 07/10/2006 CKHLOK 2006 CCHRUI 00000012 031952 0975863

LA-861423

herewith a petition to withdraw the holding of abandonment pursuant to 37 C.F.R. §§ 1.181 and 1.8(b).

In the event that the petition is granted and the holding of abandonment is withdrawn, Applicants hereby renew their petition to the Commissioner to withdraw the present application from issue. Three office actions citing references were mailed in connection with related Japanese applications. Accordingly, Applicants request withdrawal from issue to file an Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.97 and § 1.98 with a Request for Continued Examination (RCE). The IDS and RCE are enclosed with this petition.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i). Fee transmittal form PTO/SB/17 is enclosed is duplicate.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to <u>Deposit Account</u>
No. 03-1952 referencing docket no. 393032022200.

Dated: June 1, 2006

Respectfully submitted,

Mehran Arjomand

Registration No.: 48,231 MORRISON & FOERSTER LLP 555 West Fifth Street, Suite 3500 Los Angeles, California 90013 (213) 892-5630

## UNITED STATES PATENT & TRADEMARK OFFICE Washington, D.C. 20231

| REQUEST FOR PATENT FEE  | REFUND            |                 |                    |
|---|-------------------|-----------------|--------------------|
| 1 Date of Request: 07/07/06 2 Seri  | al/Patent         | #               | 09/758632          |
| 3 Please refund the following fee(s):   | 4 PAPER<br>NUMBER | 5 DATE<br>FILED | 6 AMOUNT           |
| χ Filing RCE  |                   |                 | \$ 790.00          |
| Amendment   |                   |                 | \$                 |
| Extension of Time   |                   |                 | \$                 |
| Notice of Appeal/Appeal   |                   |                 | \$                 |
| χ Petition  |                   |                 | \$ 130.00          |
| Issue   |                   |                 | \$                 |
| Cert of Correction/Terminal Disc.   |                   |                 | \$                 |
| Maintenance   |                   |                 | \$                 |
| Assignment  |                   |                 | \$                 |
| Other   |                   |                 | \$                 |
|   | 7 TOTAL<br>OF RE  |                 | \$ 920.00          |
|   | 8 TO BE           | REFUNDED E      | BY:                |
| 10 REASON:  |                   | Treasury C      | heck               |
| Overpayment   |                   | Credit Dep      | osit A/C #:        |
| χ Duplicate Payment   | 9                 | 0 3 1           | 9 5 2              |
| No Fee Due (Explanation):   |                   |                 |                    |
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| 11 REFUND REQUESTED BY:   | -                 |                 |                    |
| TYPED/PRINTED NAME: Frances Hicks   |                   | TITLE:          | Petitions Examiner |
| SIGNATURE:  |                   | PHONE:          | Ext. 23218         |
| OFFICE:  Office of Petitions  THIS SPACE RESERVED FOR FINANCE USE ONLY  APPROVED: |                   | 1/0/00          | ******             |
|   | DRIES             |                 |                    |

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance Refund Branch Crystal Park One, Room 802B

PORM PTO 1577 (01/90)

Mail Stop ISSU EE Commissioner 1. atents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (571) 273-2885

ISTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where propriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as dicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for support fee optifications.

| CURRENT CORRESPONDENC   | E ADDRESS (Note: Use Block I for                                 | धारु टोबाइट वर्ड स्टेडिंग्डा)             |                              | Note: A certificate of                                 | mailing can only be used f   | or domestic mailings of the  |
|---|--|---|------------------------------|--|--|--|
|   |  |   |                              | papers. Each additions                                 | is certificate cannot be used<br>il paper, such as an assignme<br>e of mailing or transmission.  | for any other accompanying<br>ent or formal drawing, must                        |
|   | 90 10/19/2005  | 01  | PE                           |  |  |  |
| MORRISON & F  |  |   | ` _ [                        | Cer<br>I hereby certify that the                       | rtificate of Mailing or Trans<br>ris Fee(s) Transmittal is bein  | mission<br>a denosited with the United   |
| 555 WEST FIFTH<br>SUITE 3500  | SIKEEI   | 1 11 11 11                                | ੜ੍ਹੀ                         | States Postal Service                                  | nis Fee(s) Transmittal is bein<br>with outlicient postage for fir  | er clote meil in an envelobe   |
| LOS ANGELES, C  | CA 90013-1024  | (B JON O                                  | 2006                         | transmitted to the USF                                 | 1-Stop ISSUE FEE address<br>TO (571) 273-2885, on the  | above, or being facsimile fate indicated below.                                  |
| LOS ANGLEDO,  | 71 70015-102-1   |   | ji)                          | Beverly S.   |  | (Depositor's mane)   |
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| 09/758,632  | 01/10/2001   | <u> </u>                                  | Yoshiki Nishita              |  | 39303.20222.00   | 9558   |
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| FLETCHER,   | MARLON T   | 2837                                      |                              | 084-615000   |  |  |
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